N THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of:

JAMES K. PRESNAIL ET AL.

CASE NO.: BB1441USNA

APPLICATION NO.: 09/829,481

GROUP ART UNIT: UNKNOWN

FILED: APRIL 10, 2001

**EXAMINER: UNKNOWN** 

FOR: ARTHROPOD DEFENSINS

# RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION-FILING DATE GRANTED

Assistant Commissioner for Patents Washington, DC 20231

Attention: Box Missing Parts

Sir:

In response to the Notice to File Missing Parts of Application mailed MAY 11, 2001 (a copy of which is attached), enclosed is a Declaration for the above-referenced application. Please charge the \$130.00 surcharge fee applicable for filing the Declaration on a date later than the filing date to Deposit Account 04-1928 (E. I. du Pont de Nemours and Company). If the fee is insufficient or incorrect, please charge or credit the balance to the above-identified account.

Respectfully submitted,

THOMAS M. RIZZO

ATTORNEY FOR APPLICANTS

REGISTRATION NO.41,272 TELEPHONE: 302-892-7760

Thomas M. fine

FACSIMILE: 302-892-1026

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UNITED STATES PATENT AND TRADEMARK OFFICE
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PPLICATION NUMBER

FILING/RECEIPT DATE

FIRST NAMED APPLICANT

ATTORNEY DOCKET NUMBER

09/829,481

04/10/2001

James K. Presnail

BB1441USNA

CONFIRMATION NO. 8059

23906
E I DU PONT DE NEMOURS AND COMPANY
LEGAL DEPARTMENT - PATENTS
1007 MARKET STREET
WILMINGTON, DE 19898



Date Mailed: 05/11/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

#### Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
   A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 130.

A copy of this notice MUST be returned with the reply.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

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PTO/SB/92 (08-00)
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# Certificate of Mailing under 37 CFR 1.8

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**MELISSA MCCULLIN** 

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Each paper must have its own certificate of mailing, or this certificate must identify each Note: submitted paper.

09/829,481 **BB1441USNA** RESPONSE TO MISSING PARTS FEE TRANSMITTAL SHEET POWER OF ATTORNEY - THREE FORMS RETURN RECEIPT CARD

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| OE JOS EEE TRANSMITTAL                       | Complete if Known    |                              |  |  |
|--|----------------------|------------------------------|--|--|
| TEE IRANSIVIIIIAL                            | Application Number   | 09/829,481<br>APRIL 10, 2001 |  |  |
| o for FY 2001                                | Filing Date          |                              |  |  |
|  | First Named Inventor | JAMES K. PRESNAIL ET AL.     |  |  |
| Facilities are subject to arritain revision. | Examiner Name        | UNKNOWN                      |  |  |
| CATENT & THE OFFICE                          | Group / Art Unit     | UNKNOWN                      |  |  |
| TOTAL AMOUNT OF PAYMENT (\$) 130             | Attorney Docket No.  | BB1441USNA                   |  |  |

|  |                                  | METH        | OD OF P   | AYMENT (check one)                                    |                     |   |               |   | FEE ( | CALCULATION (continued)  |  |
|--|----------------------------------|-------------|---|---|---------------------|---|---------------|---|-------|--|--|
| 1 🛛  |                                  |             |   | ioner is hereby authorized to charge                  |                     | 3. AD   | DITIONA       | L FEES  |       |  |  |
| 1.   | l                                | indic       | indicated fees and credit any over payments to: |   |                     |   | Large         |   | Small |  |  |
| _  |                                  |             | ı is  | Fee   | Entity<br>Fee       | Fee   | Entity<br>Fee |   | Fee   |  |  |
|  | posit<br>count                   | 04.         | -1928   |   |                     | Code  | (\$)          | Code  | (\$)  | Fee Description  | Paid   |
|  | mber                             | 04          | 1320  | ì   | 1                   | 105   | 130           | 205   | 65    | Surcharge - late filing fee or oath  | 130.00   |
|  |                                  |             |   |   |                     |   | 50            | 227   | 25    | Surcharge - late provisional filing fee or cover sheet.                    |  |
| Deposit Account E. I. du Pont de Nemours and Company |                                  |             |   |   |                     | 139   | 130           | 139   | 130   | Non-English specification  |  |
| Name   |                                  |             |   |   |                     | 147   | 2,520         | 147   | 2,520 | For filing a request for reexamination                                     |  |
|  |                                  |             |   |   |                     | 112   | 920*          | 112   | 920*  | Requesting publication of SIR prior to<br>Examiner action                  |  |
| See 37 CFR 1.27                                      |                                  |             |   | 113   | 1,840*              | 113   | 1,840*        | Requesting publication of SIR after Examiner action |       |  |  |
| 2.   | Payme                            | nt Enclos   | sed:  |   | <u>[</u> 1          | 115   | 110           | 215   | 55    | Extension for reply within first month                                     |  |
| _  | Charle                           | - C-        |   | ☐ Money ☐ Other                                       | 1                   | 116   | 390           | 216   | 195   | Extension for reply within second month                                    |  |
| ט  | Check                            | il cre      | edit card                                       | ☐ Money ☐ Other<br>Order                              | į,                  | 117   | 890           | 217   | 445   | Extension for reply within third month                                     |  |
|  |                                  |             | EEE C   | ALCULATION  | <b>-</b> - ₁        | 118   | 1,390         | 218   | 695   | Extension for reply within fourth month                                    |  |
| <u> </u>   |                                  |             |   |   | <b></b>  ₁          | 128   | 1,890         | 228   | 945   | Extension for reply within fifth month                                     |  |
| 1.   | BASIC F                          |             |   |   | 1                   | 119   | 310           | 219   | 155   | Notice of Appeal   |  |
| Large  |                                  |             | Entity  |   | - 11                | 120   | 310           | 220   | 155   | Filing a brief in support of an appeal                                     |  |
| Fee<br>Code  | Fee<br>(\$)                      | Fee<br>Code | Fee<br>(\$)                                     | Fee Description Fee Paid                              | 1                   | 121   | 270           | 221   | 135   | Request for oral hearing   |  |
| 101  | 710                              | 201         | 355   | Utility filing fee                                    | ]   <sub>1</sub>    | 138   | 1,510         | 138   | 1,510 | Petition to institute a public use proceeding                              |  |
| 106  | 320                              | 206         | 160   | Design filing fee                                     | _      <sub>1</sub> | 140   | 110           | 240   | 55    | Petition to revive – unavoidable   |  |
| 107  | 490                              | 207         | 245   | Plant filing fee                                      | _    <sub>1</sub>   | 141   | 1,240         | 241   | 620   | Petition to revive – unintentional   |  |
| 108  | 710                              | 208         | 355   | Reissue filing fee                                    | 1 1                 | 142   | 1.240         | 242   | 620   | Utility issue fee (or reissue)   |  |
| 114  | 150                              | 214         | 75  | Provisional filling fee                               |                     | 143   | 440           | 243   | 220   | Design issue fee   | <del></del>                                      |
|  |                                  | e.          | JBTOTAL   | (1) (\$) 0  | - H                 | 144   | 600           | 244   | 300   | Plant issue fee  |  |
|  |                                  | 30          | BIOIAL  | (1)   | - I                 | 122   | 130           | 122   | 130   | Petitions to the Commissioner  |  |
| 2. EXTRA CLAIM FEES  Extra Fee from Fee              |                                  |             |   |   | 1                   | 123   | 130           | 123   | 130   | Petitions related to provisional applications                              |  |
| Total Clair  | ns                               |             | -20 =   | Claims below Paid  0 X 18 = 0                         | ⊐ Ì₁                | 126   | 180           | 126   | 180   | Submission of Information Disclosure<br>Stmt                               |  |
| Independe<br>Claims                                  | nt                               |             | -3 =  | 0 X 80 = 0  | <b>]</b>            | 581   | 40            | 581   | 40    | Recording each patent assignment per property (times number of properties) |  |
| Multiple<br>Dependent                                |                                  |             |   | X 270 = 0   | <b>-</b>   1        | 146   | 710           | 246   | 355   | Filing a submission after final rejection (37 CFR § 1.129(a))              |  |
| Large  | Entity                           |             | Entity  |   | -   <sub>1</sub>    | 149   | 710           | 249   | 355   | For each additional invention to be examined (37 CFR § 1.129(b))           |  |
| Fee Cod  | (\$)                             | Fee<br>Code | ,   | Fee Description                                       |                     | 179   | 710           | 279   | 355   | Request for Continued Examination (RCE)                                    |  |
| 103  | 18                               | 203         | 9   | Claims in excess of 20                                |                     | 169   | 900           | 169   | 900   | Request for expedited examination  | $\vdash$   |
| 102  | 80                               | 202         | 40  | Independent claims in excess of 3                     | l                   |   |               |   |       | of a design application  | ] [  |
| 104  | 270                              | 204         | 135   | Multiple dependent claim, if not paid                 |                     |   |               |   |       |  | ] [  |
| 109  | 80                               | 209         | 40  | ** Reissue independent claims over<br>original patent | - 1.                | Other fee (specify)                                     |               |   |       |  | <del>                                     </del> |
| 110  | 10 18 210 9 Over original patent |             |   |   |                     |   |               |   |       |  |  |
| SUBTOTAL (2) (\$) 0                                  |                                  |             |   |   | ]                   | *Reduced by Basic Filing Fee Paid SUBTOTAL (3) (\$) 130 |               |   |       |  |  |
| **or nun   | nber previo                      | usly paid,  | if greater;                                     | For Reissues, see above                               |                     |   |               |   |       |  |  |
|  |                                  |             |   |   |                     |   |               |   |       |  |  |

| SUBMITTED BY Complete (if applicable) |                 |                                  |        |                   |              |  |  |
|---------------------------------------|-----------------|----------------------------------|--------|-------------------|--------------|--|--|
| Name (Print/Type)                     | THOMAS M. RIZZO | Registration No. Attorney/Agent) | 41,272 | Telephone<br>Date | 302-892-7760 |  |  |
| Signature                             |                 |                                  |        |                   |              |  |  |

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